

WEST VIRGINIA LEGISLATURE

# SENATE JOURNAL

EIGHTY-FIFTH LEGISLATURE  
REGULAR SESSION, 2022  
TWENTY-FIRST DAY

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Charleston, West Virginia, Tuesday, February 1, 2022

The Senate met at 11:01 a.m.

(Senator Blair, Mr. President, in the Chair.)

Prayer was offered by the Very Reverend Donald X. Higgs, Basilica of the Co-Cathedral of the Sacred Heart, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Jack David Woodrum, a senator from the tenth district.

Pending the reading of the Journal of Monday, January 31, 2022,

At the request of Senator Romano, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

Senator Blair (Mr. President) announced that, under the provisions of Senate Resolution 10 (*Adopting special rule of order relating to COVID-19 pandemic*) adopted January 18, 2022, the following senator had been approved to vote by proxy:

Senator Rucker, and that Senator Takubo had been designated to vote on her behalf.

The Senate proceeded to the third order of business.

A message from the Clerk of the House of Delegates announced the concurrence by that body in the passage of

**Eng. Senate Bill 4**, Repealing ban on construction of nuclear power plants.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 2631**—A Bill to amend and reenact §20-1-7e of the Code of West Virginia, 1931, as amended, relating to allowing off duty Natural Resources Police Officers of the Law

Enforcement Section of the West Virginia Division of Natural Resources to contract to work for a private person or entity during off duty hours if the type of the contract work does not violate Division of Natural Resources Law Enforcement Section rules as to location or nature.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 2817**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new chapter, designated §60B-1-1, §60B-1-2, §60B-1-3, §60B-1-4, §60B-1-5, §60B-1-6, §60B-1-7, and §60B-1-8, all relating to creating the Donated Drug Repository Program; establishing the West Virginia Board of Pharmacy has the authority to administer the program; setting forth eligible drugs and eligible recipients; establishing how the drugs are to be received, handled, stored, dispensed, distributed, and disposed of; permitting a handling fee; defining terms; and requiring rule-making.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4048**—A Bill to amend and reenact §20-2-5 of the Code of West Virginia, 1931, as amended, relating to clarifying that persons may lawfully possess loaded rifles and shotguns in their vehicles unless the totality of the circumstances indicate that those persons are attempting to take wildlife.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4097**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-1A-9, relating to prohibiting nonpublic funding sources for election administration and related expenses without prior written approval by the State Election Commission.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4257**—A Bill to amend and reenact §16-39-8 of the Code of West Virginia, 1931, as amended, relating to requiring visitation once the patient is stable following a surgical procedure in a health care facility.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4263**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-61-1, relating to health insurance; prohibiting certain actions; and providing an effective date.

Referred to the Committee on Health and Human Resources.

A message from the Clerk of the House of Delegates announced the passage by that body and requested the concurrence of the Senate in the passage of

**Eng. House Bill 4299**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §3-9-21, relating to prohibiting certain intentional actions obstructing or interfering with a voter during hours that polls are open for in-person voting in an election; and creating a misdemeanor crime of certain intentional actions obstructing or interfering with a voter during hours that polls are open for in-person voting in an election and establishing penalties thereto.

Referred to the Committee on the Judiciary.

A message from the Clerk of the House of Delegates announced the passage by that body, to take effect from passage, and requested the concurrence of the Senate in the passage of

**Eng. Com. Sub. for House Bill 4324**—A Bill to amend and reenact §30-5-4 and §30-5-19 of the Code of West Virginia, 1931, as amended, all relating to collaborative pharmacy practice; defining terms; setting forth requirements for different practice settings; prohibiting certain practices; and updating the terms of collaborative practice agreements.

Referred to the Committee on Health and Human Resources.

The Senate proceeded to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

**Senate Bill 7**, Relating to damages for medical monitoring.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 7** (originating in the Committee on the Judiciary)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-32, relating to damages for medical monitoring; providing that increased risk of disease is not a compensable basis for damages or other relief in any civil action; and establishing requirements for an order for payment of medical monitoring expenses.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,  
*Chair.*

Senator Hamilton, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

**Senate Bill 458**, Establishing legal right to title of substances derived from drainage on mined lands.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 458** (originating in the Committee on Natural Resources)—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-2-10, relating generally to establishing and implementing a program to allow persons treating acid mine drainage at abandoned mine land sites to recover and benefit commercially from valuable and strategically important rare earth elements and critical materials from acid mine drainage; and authorizing Department of Environmental Protection to propose rules to implement the provisions of the section.

With the recommendation that the committee substitute do pass; but under the original double committee reference first be referred to the Committee on the Judiciary.

Respectfully submitted,

Bill Hamilton,  
*Chair.*

The bill (Com. Sub. for S. B. 458), under the original double committee reference, was then referred to the Committee on the Judiciary.

Senator Hamilton, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

**Senate Bill 481**, Relating to Adopt-A-Stream Program.

And reports back a committee substitute for same with the following title:

**Com. Sub. for Senate Bill 481** (originating in the Committee on Natural Resources)—A Bill to amend and reenact §22-15A-3a of the Code of West Virginia, 1931, as amended, relating to the Adopt-A-Stream Program; requiring volunteers 17 years of age or younger be accompanied by an adult; changing streams eligible for participation in program; altering process for selecting stream participation in program; allowing department to approve or deny applications at its discretion; expanding sources of funding to support program; lengthening period of stream participation from one to three years; altering method of collection of stream litter; and requiring one cleanup of the river prior to road signs being erected.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Bill Hamilton,  
*Chair.*

The Senate proceeded to the sixth order of business.

At the request of Senator Takubo, unanimous consent being granted, the following bills were considered introduced, read by their titles, and referred to the appropriate committees:

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 515**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2022, organization 0221, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 516**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury in the State Fund, General Revenue, State Road Fund, Lottery Net Profits, Other Funds (special), and federal moneys remaining unappropriated for the fiscal year ending June 30, 2022, by increasing items of appropriation to the Executive, Governor's Office, fund 0101, fiscal year 2022, organization 0100; to the Executive, Governor's Office – Custodial Fund, fund 0102, fiscal year 2022, organization 0100; to the Executive, Auditor's Office – General Administration, fund 0116, fiscal year 2022, organization 1200; to the Executive, Treasurer's Office, fund 0126, fiscal year 2022, organization 1300; to the Executive, Department of Agriculture, fund 0131, fiscal year 2022, organization 1400; to the Executive, West Virginia Conservation Agency, fund 0132, fiscal year 2022, organization 1400; to the Executive, Department of Agriculture – Meat Inspection Fund, fund 0135, fiscal year 2022, organization 1400; to the Executive, Department of Agriculture, fund 0607, fiscal year 2022, organization 1400; to the Executive, Attorney General, fund 0150, fiscal year 2022, organization 1500; to the Department of Administration, Department of Administration – Office of the Secretary, fund 0186, fiscal year 2022, organization 0201; Department of Administration, Division of Finance, fund 0203, fiscal year 2022, organization 0209; to the Department of Administration, Division of General Services, fund 0230, fiscal year 2022, organization 0211; to the Department of Administration, Division of Purchasing, fund 0210, fiscal year 2022, organization 0213; to the Department of Administration, Travel Management, fund 0615, fiscal year 2022, organization 0215; to the Department of Administration, West Virginia Public Employees Grievance Board, fund 0220, fiscal year 2022, organization 0219; to the Department of Administration, Ethics Commission, fund 0223, fiscal year 2022, organization 0220; to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2022, organization 0221; Department of Administration, West Virginia Prosecuting Attorneys Institute, fund 0557, fiscal year 2022, organization 0228; to the Department of Administration, Real Estate Division, fund 0610, fiscal year 2022, organization 0233; to the Department of Commerce, Division of Forestry, fund 0250, fiscal year 2022, organization 0305; to the Department of Commerce, Geological and Economic Survey, fund 0253, fiscal year 2022, organization 0306; Department of Commerce, Division of Labor, fund 0260, fiscal year 2022, organization 0308; Department of Commerce, Division of Natural Resources, fund 0265, fiscal year 2022, organization 0310; Department of Commerce, Division of Miners' Health, Safety and Training, fund 0277, fiscal year 2022, organization 0314; to the Department of Commerce, Board of Coal Mine Health and Safety, fund 0280, fiscal year 2022, organization 0319; to the Department of Commerce, Department of Commerce – Office of the Secretary, fund 0606, fiscal year 2022, organization 0327; to the Department of Commerce, State Board of Rehabilitation – Division of Rehabilitation Services, fund 0310, fiscal year 2022, organization 0932; to the Department of Economic Development, Department of Economic Development –

Office of the Secretary, fund 0256, fiscal year 2022, organization 0307; to the Department of Economic Development, Department of Economic Development – Office of Energy, fund 0612, fiscal year 2022, organization 0328; to the Department of Education, State Board of Education – School Lunch Program, fund 0303, fiscal year 2022, organization 0402; to the Department of Education, State Board of Education – State Department of Education, fund 0313, fiscal year 2022, organization 0402; to the Department of Education, State Board of Education – Aid for Exceptional Children, fund 0314, fiscal year 2022, organization 0402; to the Department of Education, State Board of Education – State Aid to Schools, fund 0317, fiscal year 2022, organization 0402; to the Department of Education, State Board of Education – Vocational Division, fund 0390, fiscal year 2022, organization 0402; to the Department of Education, State Board of Education – West Virginia Schools for the Deaf and the Blind, fund 0320, fiscal year 2022, organization 0403; to the Department of Arts, Culture, and History, Division of Culture and History, fund 0293, fiscal year 2022, organization 0432; to the Department of Arts, Culture, and History, Library Commission, fund 0296, fiscal year 2022, organization 0433; to the Department of Arts, Culture, and History, Educational Broadcasting Authority, fund 0300, fiscal year 2022, organization 0439; to the Department of Environmental Protection, Environmental Quality Board, fund 0270, fiscal year 2022, organization 0311; to the Department of Environmental Protection, Division of Environmental Protection, fund 0273, fiscal year 2022, organization 0313; to the Department of Health and Human Resources, Department of Health and Human Resources – Office of the Secretary, fund 0400, fiscal year 2022, organization 0501; to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Human Rights Commission, fund 0416, fiscal year 2022, organization 0510; to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2022, organization 0511; to the Department of Homeland Security, Department of Homeland Security – Office of the Secretary, fund 0430, fiscal year 2022, organization 0601; to the Department of Homeland Security, Division of Emergency Management, fund 0443, fiscal year 2022, organization 0606; to the Department of Homeland Security, Division of Corrections and Rehabilitation – West Virginia Parole Board, fund 0440, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Correctional Units, fund 0450, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Bureau of Juvenile Services, fund 0570, fiscal year 2022, organization 0608; to the Department of Homeland Security, West Virginia State Police, fund 0453, fiscal year 2022, organization 0612; to the Department of Homeland Security, Division of Protective Services, Fund 0585, fiscal year 2022, organization 0622; to the Department of Homeland Security, Division of Justice and Community Services, fund 0546, fiscal year 2022, organization 0623; to the Department of Homeland Security, Division of Administrative Services, fund 0619, fiscal year 2022, organization 0623; to the Department of Revenue, Office of the Secretary, fund 0465, fiscal year 2022, organization 0701; to the Department of Revenue, Tax Division, fund 0470, fiscal year 2022, organization 0702; to the Department of Revenue, State Budget Office, fund 0595, fiscal year 2022, organization 0703; to the Department of Revenue, West Virginia Office of Tax Appeals, fund 0593, fiscal year 2022, organization 0709; to the Department of Transportation, State Rail Authority, fund 0506, fiscal year 2022, organization 0804; to the Department of Transportation, Aeronautics Commission, fund 0582, fiscal year 2022, organization 0807; to the Department of Veterans' Assistance, fund 0456, fiscal year 2022, organization 0613; to the Department of Veterans' Assistance, Department of Veterans' Assistance – Veterans' Home, fund 0460, fiscal year 2022, organization 0618; to the West Virginia Council for Community and Technical College Education, West Virginia Council for Community and Technical College Education – Control Account, fund 0596, fiscal year 2022, organization 0420; to the West Virginia Council for Community and Technical College Education, Mountwest

Community and Technical College, fund 0599, fiscal year 2022, organization 0444; to the West Virginia Council for Community and Technical College Education, New River Community and Technical College, fund 0600, fiscal year 2022, organization 0445; to the West Virginia Council for Community and Technical College Education, Pierpont Community and Technical College, fund 0597, fiscal year 2022, organization 0446; to the West Virginia Council for Community and Technical College Education, Blue Ridge Community and Technical College, fund 0601, fiscal year 2022, organization 0447; to the West Virginia Council for Community and Technical College Education, West Virginia University of Parkersburg, fund 0351, fiscal year 2022, organization 0464; to the West Virginia Council for Community and Technical College Education, Southern West Virginia Community and Technical College, fund 0380, fiscal year 2022, organization 0487; to the West Virginia Council for Community and Technical College Education, West Virginia Northern Community and Technical College, fund 0383, fiscal year 2022, organization 0489; to the West Virginia Council for Community and Technical College Education, Eastern West Virginia Community and Technical College, fund 0587, fiscal year 2022, organization 0492; to the West Virginia Council for Community and Technical College Education, BridgeValley Community and Technical College, fund 0618, fiscal year 2022, organization 0493; to the Higher Education Policy Commission, Higher Education Policy Commission – Administration – Control Account, fund 0589, fiscal year 2022, organization 0441; to the Higher Education Policy Commission, West Virginia University – School of Medicine Medical School Fund, fund 0343, fiscal year 2022, organization 0463; to the Higher Education Policy Commission, West Virginia University – General Administrative Fund, fund 0344, fiscal year 2022, organization 0463; to the Higher Education Policy Commission, Marshall University – School of Medicine, fund 0347, fiscal year 2022, organization 0471; to the Higher Education Policy Commission, Marshall University – General Administration Fund, fund 0348, fiscal year 2022, organization 0471; to the Higher Education Policy Commission, West Virginia School of Osteopathic Medicine, fund 0336, fiscal year 2022, organization 0476; to the Higher Education Policy Commission, Bluefield State College, fund 0354, fiscal year 2022, organization 0482; to the Higher Education Policy Commission, Concord University, fund 0357, fiscal year 2022, organization 0483; to the Higher Education Policy Commission, Fairmont State University, fund 0360, fiscal year 2022, organization 0484; to the Higher Education Policy Commission, Glenville State College, fund 0363, fiscal year 2022, organization 0485; to the Higher Education Policy Commission, Shepherd University, fund 0366, fiscal year 2022, organization 0486; to the Higher Education Policy Commission, West Liberty University, fund 0370, fiscal year 2022, organization 0488; to the Higher Education Policy Commission, West Virginia State University, fund 0373, fiscal year 2022, organization 0490; to the Higher Education Policy Commission, Higher Education Policy Commission – Administration – West Virginia Network for Educational Telecomputing (WVNET), fund 0551, fiscal year 2022, organization 0495; to the Miscellaneous Boards and Commissions, Adjutant General – State Militia, fund 0433, fiscal year 2022, organization 0603; to the Department of Transportation, Division of Motor Vehicles, fund 9007, fiscal year 2022, organization 0802; to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2022, organization 0803; to the Executive, Governor’s Office – Minority Affairs Fund, fund 1058, fiscal year 2022, organization 0100; to the Executive, Auditor’s Office – Land Operating Fund, fund 1206, fiscal year 2022, organization 1200; to the Executive, Auditor’s Office – Local Government Purchasing Card Expenditure Fund, fund 1224, fiscal year 2022, organization 1200; to the Executive, Auditor’s Office – Securities Regulation Fund, fund 1225, fiscal year 2022, organization 1200; to the Executive, Auditor’s Office – Purchasing Card Administration Fund, fund 1234, fiscal year 2022, organization 1200; to the Executive, Auditor’s Office – Chief Inspector’s Fund, fund 1235, fiscal year 2022, organization 1200; to the Executive, Treasurer’s Office – College Prepaid Tuition and Savings Program Administrative Account, fund 1301, fiscal year 2022, organization 1300; to the Executive, Department of Agriculture – Agriculture Fees Fund, fund 1401, fiscal year 2022, organization 1400; to the Executive, Department of Agriculture – West Virginia Rural

Rehabilitation Program, fund 1408, fiscal year 2022, organization 1400; to the Executive, Department of Agriculture – General John McCausland Memorial Farm Fund, fund 1409, fiscal year 2022, organization 1400; to the Executive, Department of Agriculture – Farm Operating Fund, fund 1412, fiscal year 2022, organization 1400; to the Executive, Department of Agriculture – Donated Food Fund, fund 1446, fiscal year 2022, organization 1400; to the Executive, Attorney General – Preneed Burial Contract Regulation Fund, fund 1513, fiscal year 2022, organization 1500; to the Executive, Secretary of State – Service Fees and Collection Account, fund 1612, fiscal year 2022, organization 1600; to the Executive, Secretary of State – General Administrative Fees Account, fund 1617, fiscal year 2022, organization 1600; to the Department of Administration, Department of Administration – Division of Finance – Shared Services Section Fund, fund 2020, fiscal year 2022, organization 0209; to the Department of Administration, Division of Information Services and Communications, fund 2220, fiscal year 2022, organization 0210; to the Department of Administration, Division of Purchasing – Vendor Fee Fund, fund 2263, fiscal year 2022, organization 0213; to the Department of Administration, Division of Purchasing – Purchasing Improvement Fund, fund 2264, fiscal year 2022, organization 0213; to the Department of Administration, Fleet Management Division Fund, fund 2301, fiscal year 2022, organization 0216; to the Department of Administration, Division of Personnel, fund 2440, fiscal year 2022, organization 0222; to the Department of Administration, West Virginia Prosecuting Attorneys Institute, fund 2521, fiscal year 2022, organization 0228; to the Department of Administration, Office of Technology – Chief Technology Officer Administration Fund, fund 2531, fiscal year 2022, organization 0231; to the Department of Commerce, Division of Forestry – Timbering Operations Enforcement Fund, fund 3082, fiscal year 2022, organization 0305; to the Department of Commerce, Division of Labor – HVAC Fund, fund 3186, fiscal year 2022, organization 0308; to the Department of Commerce, Division of Labor – Elevator Safety Fund, fund 3188, fiscal year 2022, organization 0308; to the Department of Commerce, Division of Labor – Steam Boiler Fund, fund 3189, fiscal year 2022, organization 0308; to the Department of Commerce, Division of Labor – Crane Operator Certification Fund, fund 3191, fiscal year 2022, organization 0308; to the Department of Commerce, Division of Labor – Amusement Rides and Amusement Attraction Safety Fund, fund 3192, fiscal year 2022, organization 0308; to the Department of Commerce, Division of Labor – State Manufactured Housing Administration Fund, fund 3195, fiscal year 2022, organization 0308; Department of Commerce, Division of Labor – Bedding and Upholstery Fund, fund 3198, fiscal year 2022, organization 0308; to the Department of Commerce, Division of Natural Resources – License Fund – Wildlife Resources, fund 3200, fiscal year 2022, organization 0310; to the Department of Commerce, Division of Natural Resources – Nongame Fund, fund 3203, fiscal year 2022, organization 0310; to the Department of Commerce, Division of Natural Resources – Planning and Development Division, fund 3205, fiscal year 2022, organization 0310; to the Department of Commerce, Division of Natural Resources – Whitewater Study and Improvement Fund, fund 3253, fiscal year 2022, organization 0310; to the Department of Commerce, Division of Miners’ Health, Safety and Training – Special Health, Safety and Training Fund, fund 3355, fiscal year 2022, organization 0314; to the Department of Commerce, Department of Commerce – Office of the Secretary – Marketing and Communications Operating Fund, fund 3002, fiscal year 2022, organization 0327; to the Department of Economic Development, Department of Economic Development – Office of the Secretary – Office of Coalfield Community Development, fund 3162, fiscal year 2022, organization 0307; to the Department of Education, School Building Authority, fund 3959, fiscal year 2022, organization 0404; to the Department of Arts, Culture, and History, Division of Culture and History – Public Records and Preservation Revenue Account, fund 3542, fiscal year 2022, organization 0432; to the Department of Environmental Protection, Solid Waste Management Board, fund 3288, fiscal year 2022, organization 0312; to the Department of Environmental Protection, Division of Environmental Protection – Hazardous Waste Management Fund, fund 3023, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of



Environmental Protection – Air Pollution Education and Environment Fund, fund 3024, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Special Reclamation Fund, fund 3321, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Oil and Gas Reclamation Fund, fund 3322, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Oil and Gas Operating Permit and Processing Fund, fund 3323, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Mining and Reclamation Operations Fund, fund 3324, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Underground Storage Tank Administrative Fund, fund 3325, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Hazardous Waste Emergency Response Fund, fund 3331, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Solid Waste Reclamation and Environmental Response Fund, fund 3332, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Solid Waste Enforcement Fund, fund 3333, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Air Pollution Control Fund, fund 3336, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Environmental Laboratory Certification Fund, fund 3340, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Recycling Assistance Fund, fund 3487, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Division of Environmental Protection – Mountaintop Removal Fund, fund 3490, fiscal year 2022, organization 0313; to the Department of Environmental Protection, Oil and Gas Conservation Commission – Special Oil and Gas Conservation Fund, fund 3371, fiscal year 2022, organization 0315; to the Department of Health and Human Resources, Division of Health – The Vital Statistics Account, fund 5144, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Division of Health – Laboratory Services Fund, fund 5163, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Division of Health – The Health Facility Licensing Account, fund 5172, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund, fund 5214, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, West Virginia Health Care Authority – Health Care Cost Review Fund, fund 5375, fiscal year 2022, organization 0507; to the Department of Health and Human Resources, West Virginia Health Care Authority – Certificate of Need Program Fund, fund 5377, fiscal year 2022, organization 0507; to the Department of Health and Human Resources, Division of Human Services – Health Care Provider Tax – Medicaid State Share Fund, fund 5090, fiscal year 2022, organization 0511; to the Department of Health and Human Resources, Division of Human Services – Medical Services Trust Fund, fund 5185, fiscal year 2022, organization 0511; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Parolee Supervision Fees, fund 6362, fiscal year 2022, organization 0608; to the Department of Homeland Security, Division of Corrections and Rehabilitation – Regional Jail and Correctional Facility Authority, fund 6675, fiscal year 2022, organization 0608; to the Department of Homeland Security, West Virginia State Police – Motor Vehicle Inspection Fund, fund 6501, fiscal year 2022, organization 0612; to the Department of Homeland Security, West Virginia State Police – Forensic Laboratory Fund, fund 6511, fiscal year 2022, organization 0612; to the Department of Homeland Security, West Virginia State Police – Central Abuse Registry Fund, fund 6527, fiscal year 2022, organization 0612; to the Department of Homeland Security, Fire Commission – Fire Marshal Fees, fund 6152, fiscal year 2022, organization 0619; to the Department of Homeland Security, Division of Administrative Services – WV Community Corrections Fund, fund 6386, fiscal year 2022, organization 0623; to the Department of Homeland

Security, Division of Administrative Services – Court Security Fund, fund 6804, fiscal year 2022, organization 0623; to the Department of Revenue, Division of Financial Institutions, fund 3041, fiscal year 2022, organization 0303; to the Department of Revenue, Tax Division – Cemetery Company Account, fund 7071, fiscal year 2022, organization 0702; to the Department of Revenue, Tax Division – Special Audit and Investigative Unit, fund 7073, fiscal year 2022, organization 0702; to the Department of Revenue, Tax Division – Wine Tax Administration Fund, fund 7087, fiscal year 2022, organization 0702; to the Department of Revenue, Tax Division – Local Sales Tax and Excise Tax Administration Fund, fund 7099, fiscal year 2022, organization 0702; to the Department of Revenue, Insurance Commissioner – Examination Revolving Fund, fund 7150, fiscal year 2022, organization 0704; to the Department of Revenue, Insurance Commissioner – Consumer Advocate, fund 7151, fiscal year 2022, organization 0704; to the Department of Revenue, Insurance Commissioner – Insurance Commission Fund, fund 7152, fiscal year 2022, organization 0704; to the Department of Revenue, Municipal Bond Commission, fund 7253, fiscal year 2022, organization 0706; to the Department of Revenue, Racing Commission – Administration and Promotion Account, fund 7304, fiscal year 2022, organization 0707; to the Department of Revenue, Racing Commission – General Administration, fund 7305, fiscal year 2022, organization 0707; to the Department of Revenue, Racing Commission – Administration, Promotion, Education, Capital Improvement and Greyhound Adoption Programs to include Spaying and Neutering Account, fund 7307, fiscal year 2022, organization 0707; to the Department of Revenue, Alcohol Beverage Control Administration, fund 7352, fiscal year 2022, organization 0708; to the Department of Transportation, Division of Motor Vehicles – Motor Vehicle Fees Fund, fund 8223, fiscal year 2022, organization 0802; to the Bureau of Senior Services, Bureau of Senior Services – Community Based Service Fund, fund 5409, fiscal year 2022, organization 0508; to the Higher Education Policy Commission, Higher Education Policy Commission – System – Tuition Fee Capital Improvement Fund (Capital Improvement and Bond Retirement Fund) Control Account, fund 4903, fiscal year 2022, organization 0442; to the Higher Education Policy Commission, West Virginia University – West Virginia University Health Sciences Center, fund 4179, fiscal year 2022, organization 0463; to the Miscellaneous Boards and Commissions, Board of Barbers and Cosmetologists – Barbers and Beauticians Special Fund, fund 5425, fiscal year 2022, organization 0505; to the Miscellaneous Boards and Commissions, State Armory Board – General Armory Fund, fund 6057, fiscal year 2022, organization 0603; to the Miscellaneous Boards and Commissions, WV State Board of Examiners for Licensed Practical Nurses – Licensed Practical Nurses, fund 8517, fiscal year 2022, organization 0906; to the Miscellaneous Boards and Commissions, WV Board of Examiners for Registered Professional Nurses – Registered Professional Nurses, fund 8520, fiscal year 2022, organization 0907; to the Miscellaneous Boards and Commissions, Public Service Commission, fund 8623, fiscal year 2022, organization 0926; to the Miscellaneous Boards and Commissions, Public Service Commission – Gas Pipeline Division – Public Service Commission Pipeline Safety Fund, fund 8624, fiscal year 2022, organization 0926; to the Miscellaneous Boards and Commissions, Public Service Commission – Motor Carrier Division, fund 8625, fiscal year 2022, organization 0926; to the Miscellaneous Boards and Commissions, Public Service Commission – Consumer Advocate Fund, fund 8627, fiscal year 2022, organization 0926; to the Miscellaneous Boards and Commissions, Real Estate Commission – Real Estate License Fund, fund 8635, fiscal year 2022, organization 0927; to the Miscellaneous Boards and Commissions, WV Board of Examiners for Speech-Language Pathology and Audiology – Speech-Language Pathology and Audiology Operating Fund, fund 8646, fiscal year 2022, organization 0930; to the Miscellaneous Boards and Commissions, WV Board of Respiratory Care – Board of Respiratory Care Fund, fund 8676, fiscal year 2022, organization 0935; to the Miscellaneous Boards and Commissions, Massage Therapy Licensure Board – Massage Therapist Board Fund, fund 8671, fiscal year 2022, organization 0938; to the Miscellaneous Boards and Commissions, Board of Medicine – Medical Licensing Board Fund, fund 9070, fiscal year 2022, organization 0945; to the

Miscellaneous Boards and Commissions, West Virginia Enterprise Resource Planning Board – Enterprise Resource Planning System Fund, fund 9080, fiscal year 2022, organization 0947; to the Department of Tourism – Office of the Secretary, fund 3067, fiscal year 2022, organization 0304; to the Division of Natural Resources, fund 3267, fiscal year 2022, organization 0310; to the State Board of Education, fund 3951, fiscal year 2022, organization 0402; to the Division of Culture and History – Lottery Education Fund, fund 3534, fiscal year 2022, organization 0432; to the Higher Education Policy Commission – Lottery Education – Higher Education Policy Commission – Control Account, fund 4925, fiscal year 2022, organization 0441; to the Higher Education Policy Commission – Lottery Education – West Virginia University – School of Medicine, fund 4185, fiscal year 2022, organization 0463; Higher Education Policy Commission – Lottery Education – Marshall University – School of Medicine, fund 4896, fiscal year 2022, organization 0471; to the Bureau of Senior Services – Lottery Senior Citizens Fund, fund 5405, fiscal year 2022, organization 0508; to the Executive, Department of Agriculture, fund 8736, fiscal year 2022, organization 1400; to the Executive, Department of Agriculture – Meat Inspection Fund, fund 8737, fiscal year 2022, organization 1400; to the Executive, Attorney General – Medicaid Fraud Unit, fund 8882, fiscal year 2022, organization 1500; to the Department of Commerce, Division of Forestry, fund 8703, fiscal year 2022, organization 0305; to the Department of Commerce, Division of Labor, fund 8706, fiscal year 2022, organization 0308; to the Department of Commerce; Division of Natural Resources, fund 8707, fiscal year 2022, organization 0310; to the Department of Commerce, Division of Miners’ Health, Safety and Training, fund 8709, fiscal year 2022, organization 0314; to the Department of Commerce, State Board of Rehabilitation – Division of Rehabilitation Services, fund 8734, fiscal year 2022, organization 0932; to the Department of Commerce, State Board of Rehabilitation – Division of Rehabilitation Services – Disability Determination Services, fund 8890, fiscal year 2022, organization 0932; to the Department of Economic Development, Department of Economic Development – Office of the Secretary, fund 8705, fiscal year 2022, organization 0307; to the Department of Economic Development, Department of Economic Development – Office of Energy, fund 8892, fiscal year 2022, organization 0328; to the Department of Education, State Board of Education – State Department of Education, fund 8712, fiscal year 2022, organization 0402; to the Department of Education, State Board of Education – School Lunch Program, fund 8713, fiscal year 2022, organization 0402; to the Department of Education, State Board of Education – Vocational Division, fund 8714, fiscal year 2022, organization 0402; to the Department of Education, State Board of Education – Aid for Exceptional Children, fund 8715, fiscal year 2022, organization 0402; to the Department of Arts, Culture, and History, Division of Culture and History, fund 8718, fiscal year 2022, organization 0432; to the Department of Arts, Culture, and History, Commission for National and Community Service, fund 8841, fiscal year 2022, organization 0432; to the Department of Arts, Culture, and History, Library Commission, fund 8720, fiscal year 2022, organization 0433; to the Department of Environmental Protection, Division of Environmental Protection, fund 8708, fiscal year 2022, organization 0313; to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 8723, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Division of Health – Central Office, fund 8802, fiscal year 2022, organization 0506; to the Department of Health and Human Resources, Human Rights Commission, fund 8725, fiscal year 2022, organization 0510; to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2022, organization 0511; to the Department of Homeland Security, Division of Emergency Management, fund 8727, fiscal year 2022, organization 0606; to the Department of Homeland Security, West Virginia State Police, fund 8741, fiscal year 2022, organization 0612; to the Department of Homeland Security, Division of Administrative Services, fund 8803, fiscal year 2022, organization 0623; to the Department of Transportation, Division of Public Transit, fund 8745, fiscal year 2022, organization 0805; to the Department of Veterans’ Assistance, Department of Veterans’ Assistance, fund 8858, fiscal year 2022, organization 0613;

to the Department of Veterans' Assistance, Department of Veterans' Assistance – Veterans' Home, fund 8728, fiscal year 2022, organization 0618; to the Bureau of Senior Services, Bureau of Senior Services, fund 8724, fiscal year 2022, organization 0508; to the Miscellaneous Boards and Commissions, Adjutant General – State Militia, fund 8726, fiscal year 2022, organization 0603; to the Miscellaneous Boards and Commissions, Public Service Commission – Motor Carrier Division, fund 8743, fiscal year 2022, organization 0926; to the Miscellaneous Boards and Commissions, Public Service Commission – Gas Pipeline Division, fund 8744, fiscal year 2022, organization 0926; to the Miscellaneous Boards and Commissions, National Coal Heritage Area Authority, fund 8869, fiscal year 2022, organization 0941; to the Department of Economic Development – Office of the Secretary – Community Development, fund 8746, fiscal year 2022, organization 0307; to the WorkForce West Virginia – Workforce Investment Act, fund 8749, fiscal year 2022, organization 0323; to the Division of Health – Maternal and Child Health, fund 8750, fiscal year 2022, organization 0506; to the Division of Health – Preventive Health, fund 8753, fiscal year 2022, organization 0506; to the Division of Health – Substance Abuse Prevention and Treatment, fund 8793, fiscal year 2022, organization 0506; to the Division of Health – Community Mental Health Services, fund 8794, fiscal year 2022, organization 0506; to the Division of Human Services – Energy Assistance, fund 8755, fiscal year 2022, organization 0511; to the Division of Human Services – Social Services, fund 8757, fiscal year 2022, organization 0511; to the Division of Human Services – Temporary Assistance for Needy Families, fund 8816, fiscal year 2022, organization 0511; and to the Division of Human Services – Child Care and Development, fund 8817, fiscal year 2022, organization 0511.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 517**—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2022, in the amount of \$22,500,000 from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 518**—A Bill to amend and reenact §30-7-2 of the Code of West Virginia, 1931, as amended, relating to allowing eligible professional nurses and advance practice registered nurses, or the equivalent, to practice in West Virginia; providing for registration with the West Virginia Board of Examiners for Registered Professional Nurses; providing for timely consideration and approval or denial of applications for registration; and revising the style of certain phrases.

Referred to the Committee on Health and Human Resources.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 519**—A Bill to repeal §15A-8-1, §15A-8-2, and §15A-8-3 of the Code of West Virginia, 1931, as amended; and to amend and reenact §15A-3-2 and §15A-3-16 of said code, all relating to the repeal of the article governing the Regional Jail and Correctional Facility Authority Board; abolishing the Regional Jail and Correctional Facility Authority Board; eliminating the requirement that special revenue funds be used by the Regional Jail and Correctional Facility Authority Board to pay indebtedness; and making other technical corrections.

Referred to the Committee on Government Organization; and then to the Committee on

Finance.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 520**—A Bill to amend and reenact §61-3C-4 of the Code of West Virginia, 1931, as amended, relating to increasing the financial penalties in regard to any person who, knowingly and willfully, directly or indirectly, accesses or causes to be accessed any computer, computer services, or computer network for purposes of executing any scheme or artifice to defraud or obtaining money, property, or services by means of fraudulent pretenses, representations, or promises; increasing the financial penalties in regard to any person who, with intent to extort money or other consideration from another, that introduces ransomware into any computer, computer system or computer network; and providing for restitution to the state, state agencies, and political subdivisions for damages.

Referred to the Committee on the Judiciary.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 521**—A Bill to amend and reenact §5A-3-1, §5A-3-3, §5A-3-4, §5A-3-10, §5A-3-10a, §5A-3-11, §5A-3-12, §5A-3-17, §5A-3-18, §5A-3-29, §5A-3-35, and §5A-3-45 of the Code of West Virginia, 1931, as amended; and to amend and reenact §6D-1-2 of said code, all relating generally to making the procurement process more efficient by modifying and updating outdated processes and requirements and encouraging earlier communication with and assistance from experts within the Purchasing Division regarding manner and process of procurement of commodities and services by the various spending units of the state; eliminating outdated audit references of exempted agencies; allowing the director to exempt transactions from the requirements; clarifying that grant recipients need not pay registration fees as a vendor; authorizing other procurement methods in lieu of formal competitive bidding when determined to be in the best interest of the state; increasing delegated procurement limits in the director's discretion; making procurement from nonprofit workshops optional; clarifying timing required on rebidding; changing the requirement for an affidavit verifying that no debt is owed to an affirmation; providing the Purchasing Division Director with discretion in increasing the \$2,500 no-bid limit; eliminating outdated information reporting requirements for vendor registration; clarifying procurement penalties and inventory submission language; removing surplus fees for inter agency asset transfers; requiring inter agency asset transfers be recorded in accordance with governmental accounting standards; and shifting the collection of the interested party disclosure information from contract award to before work begins in an effort to make the procurement process.

Referred to the Committee on Government Organization.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 522**—A Bill to amend and reenact §5A-1-11 of the Code of West Virginia, 1931, as amended, relating to combining the offices of the West Virginia State Americans with Disabilities Act Office and the West Virginia Equal Employment Opportunity Office within the Department of Administration; creating the position of State Equal Opportunity Coordinator; establishing qualifications for the position; setting forth how the State Equal Opportunity Coordinator is selected; outlining scope of responsibilities; authorizing access to personnel records to monitor compliance and advise state agencies; renaming Americans with Disabilities Coordinator Fund; and making other technical changes.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 523**—A Bill to repeal §12-7-8 of the Code of West Virginia, 1931, as amended; to amend and reenact §12-7-2, §12-7-3, §12-7-4, and §12-7-5 of said code; and to amend and reenact §31-15-6 of said code, all relating to management and control of jobs investment trust to be vested in the West Virginia Economic Development Authority; and terminating the Jobs Investment Trust Board.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 524**—A Bill to repeal §10-1-12, §10-1-13, §10-1-14, §10-1-14a, §10-1-15, §10-1-16, §10-1-17, §10-1-18, §10-1-18a, §10-1-19, §10-1-20, §10-1-21, §10-1-22, §10-1-23, and §10-1-24 of the Code of West Virginia, 1931, as amended; to repeal §29-27-1, §29-27-2, §29-27-3, §29-27-4, §29-27-5, and §29-27-6 of said code; to amend and reenact §5F-2-1 of said code; to amend and reenact §29-1-1 of said code; and to amend said code by adding thereto two new sections, designated §29-1-8c and §29-1-8d, all relating to placing the duties and functions of certain boards and commissions under the Department of Arts, Culture, and History; repealing certain sections related to the powers and authorities of the State Library Commission; creating a state library section in the Department of Arts, Culture, and History; amending the makeup of the State Library Advisory Commission; providing for a state library director; providing powers and duties of the state library section; providing powers and duties of the State Library Advisory Commission; to create the National Coal Heritage Area Commission; providing for the makeup of the National Coal Heritage Area Commission; setting forth the powers and duties of the National Coal Heritage Area Commission; and repealing the article related to the National Coal Heritage Area Authority.

Referred to the Committee on Government Organization.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 525**—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2022, in the amount of \$125,000 from the balance of moneys remaining as an unappropriated balance in Lottery Net Profits.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 526**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Commerce, Department of Commerce – Office of the Secretary, fund 0606, fiscal year 2022, organization 0327, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 527**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Office of Technology, fund 0204, fiscal year 2022, organization 0231, by supplementing and amending Chapter 11, Acts of the Legislature, Regular Session, 2021, known as the Budget Bill for the fiscal year ending June 30, 2022.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 528**—A Bill supplementing and amending the appropriations of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2022, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2022.

Referred to the Committee on Finance.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 529**—A Bill to amend and reenact §18-2-12 of the Code of West Virginia, 1931, as amended, relating to computer science education in West Virginia schools; recognizing a need to provide coursework on computational thinking, block-based programming, text-based programming, network communication, computer architecture, and cyber security; requiring the board to update and build upon prior computer science education plans to include additional subject matter.

Referred to the Committee on Education.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 530**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-6b; and to amend and reenact §17-27-3, §17-27-4, §17-27-5, §17-27-7, §17-27-8, §17-27-9, §17-27-11, §17-27-13, §17-27-14, §17-27-15, and §17-27-16 of said Code, all relating to encouraging public-private partnerships related to transportation facilities; providing coal severance tax escrow fund for the state portion of coal severance taxes paid on a public-private transportation facility; authorizing the Division of Highways to repay collected tax in escrow to the private entities; cleaning up antiquated language; clarifying the roles of the division, public entities, and developers; simplifying the public-private partnership review process; clarifying that the Commissioner of the Division of Highways may approve or modify the division's rankings, authorize negotiations, and a comprehensive agreement with the highest ranking developer, or reject all proposals; providing that the division is not obligated to accept, consider, or review unsolicited conceptual proposals, but may choose to do so; providing that no obligation or liability attached to either party if they are unable to reach an agreement; providing that the division may negotiate a comprehensive agreement with the next highest ranked developer if an agreement cannot be reached with the highest ranked developer; clarifying the extent to which the division may utilize condemnation if it is found the project serves a public purpose or the developer is in material default; and exempting public-private partnership agreements from statutory government construction contract requirements.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 531**—A Bill to amend and reenact §15-2-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §18A-4-2 of said code; and to amend and reenact §18A-4-8a of said code, all relating to increasing annual salaries of certain employees of the state; increasing the salaries of members of the West Virginia State Police and certain personnel thereof; increasing annual salaries of public school teachers; increasing annual salaries of school service personnel; and providing an effective date for these increases.

Referred to the Committee on Finance.

**By Senators Nelson, Azinger, Clements, Lindsay, and Trump:**

**Senate Bill 532**—A Bill to amend and reenact §8-22-25a of the Code of West Virginia, 1931, as amended, relating to requiring actuarial reports to be prepared and presented to the Legislature's Joint Committee on Pensions and Retirement regarding active deferred retirement option plans every five years.

Referred to the Committee on Pensions; and then to the Committee on Finance.

**By Senator Tarr:**

**Senate Bill 533**—A Bill to amend and reenact §11-19-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §11-19-13; and to amend said code by adding thereto a new section, designated §33-3-14b, all relating to funding for health sciences and medical schools in this state; eliminating the direction of proceeds of the soda tax into special medical school fund; providing for the eventual elimination of the tax; providing for a sunset date; directing a portion of insurance premium tax to health sciences and medical schools in this state; setting out findings; providing for specific amounts to be directed to Health Sciences Center at West Virginia University, Marshall University School of Medicine, and West Virginia Osteopathic School; and providing that the amounts directed from premium tax shall not limit total appropriation to the health sciences and medical schools.

Referred to the Committee on Finance.

**By Senator Azinger:**

**Senate Bill 534**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-4-24, relating to clarifying that any secondary source on insurance is not controlling authority.

Referred to the Committee on the Judiciary.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 535**—A Bill to amend and reenact §18A-3-6 of the Code of West Virginia, 1931, as amended, relating to revocation of school personnel certification or licensure; including personnel licensed under §18A-3-2a of this code; and providing that licensure or certification may be revoked upon a finding of abuse by the West Virginia Department of Health and Human Resources.

Referred to the Committee on the Judiciary.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 536**—A Bill to amend and reenact §60A-4-401, §60A-4-409, and §60A-4-415 of the Code of West Virginia, 1931, as amended, relating to knowingly possessing or manufacturing, or possessing with the intent to deliver fentanyl, and importing and transporting fentanyl through the state of West Virginia; clarifying the statutes to reference mandatory sentencing provisions for felony fentanyl crimes promulgated through the amendment and reenactment of §60A-4-415 of this code; increasing the minimum term of imprisonment for felony fentanyl related offenses; noting that any person convicted of manufacturing, delivering, or transporting into the state or possessing fentanyl, or conspiring to manufacture, deliver, or transport into the state or possessing fentanyl either alone or in combination with another substance, is not eligible for probation; noting that any person convicted of manufacturing, delivering, or transporting into the



state or possessing fentanyl, either alone or in combination with another substance, is not eligible for parole; enhancing penalties for transportation of fentanyl into the state and for the possession, manufacture, and delivery of fentanyl within the state when certain aggravating factors exist at the time of the offense; to-wit, the person has one or more prior convictions for an offense relating to possessing, manufacturing, or delivering controlled substances; the person possesses a firearm or any other dangerous weapon; the person utilizes, enlists, or solicits the aid of, or conspires with a juvenile to illegally import fentanyl; noting that any person who violates the aggravating provisions in this section shall be imprisoned for a definite term not less than 15 nor more than 20 years, and fined an amount twice that otherwise authorized; increasing the fines to which a person convicted of transporting fentanyl into the state may be subject.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 537**—A Bill to amend and reenact §15-1B-26 of the Code of West Virginia, 1931, as amended, relating to provide for additional firefighters and security guards for the National Guard.

Referred to the Committee on Government Organization.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 538**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2L-1, §5B-2L-2, §5B-2L-3, §5B-2L-4, §5B-2L-5, §5B-2L-6, §5B-2L-7, §5B-2L-8, §5B-2L-9, §5B-2L-10, §5B-2L-11, §5B-2L-12, §5B-2L-13, §5B-2L-14, §5B-2L-15, §5B-2L-16, and §5B-2L-17, all relating to establishing the BUILD WV Act; providing legislative findings and purpose; authorizing rule-making authority; providing for the application of the West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; providing effective and expiration dates; exempting the construction contractors of certified BUILD WV projects from the consumers sales and service tax and use tax; authorizing municipalities to provide exemptions to business and occupation taxes; establishing a property value adjustment tax credit; providing for the determination of amount and application of the property value adjustment tax credit; requiring; providing that the property value adjustment tax credit entitlement is retained by eligible taxpayers that have developed project property; providing for credit recapture, interest, penalties, additions to tax, and statute of limitations; providing for certified BUILD WV districts and the procedure for designation; granting authority to the Department of Economic Development to administer BUILD WV; providing for the application and procedures for BUILD WV projects; and requiring agreements between the Department of Economic Development and BUILD WV project participants.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 539**—A Bill to repeal §17-16B-1, §17-16B-2, §17-16B-3, §17-16B-5, §17-16B-6, §17-16B-7, §17-16B-7a, §17-16B-7b, §17-16B-8, §17-16B-9, §17-16B-10, §17-16B-11, §17-16B-12, §17-16B-13, §17-16B-14, §17-16B-15, §17-16B-16, §17-16B-17, §17-16B-18, §17-16B-19, §17-16B-20, §17-16B-21, and §17-16B-22 of the Code of West Virginia, 1931, as amended; to repeal §17-16C-1, §17-16C-2, §17-16C-3, and §17-16C-5 of the Code of West Virginia, 1931, as amended; to repeal §29-2A-1, §29-2A-2, §29-2A-3, §29-2A-4, §29-2A-5, §29-2A-6, §29-2A-7, §29-2A-8, §29-2A-10, §29-2A-11, §29-2A-11a, §29-2A-11b, §29-2A-11c, §29-2A-11d, §29-2A-11e, §29-2A-11f, §29-2A-12, §29-2A-13, §29-2A-14, and §29-2A-20 of said code; to repeal §29-

18-1, §29-18-2, §29-18-3, §29-18-4, §29-18-4a, §29-18-5, §29-18-6, §29-18-7, §29-18-8, §29-18-9, §29-18-10, §29-18-11, §29-18-12, §29-18-13, §29-18-14, §29-18-15, §29-18-16, §29-18-17, §29-18-18, §29-18-19, §29-18-20, §29-18-21, §29-18-22, §29-18-23, §29-18-24, and §29-18-25 of said code; and to amend said code by adding thereto a new article, designated §17-16F-1, §17-16F-2, §17-16F-3, §17-16F-4, §17-16F-5, §17-16F-6, §17-16F-7, §17-16F-8, §17-16F-9, §17-16F-10, §17-16F-11, §17-16F-12, §17-16F-13, §17-16F-14, §17-16F-15, §17-16F-16, §17-16F-17, §17-16F-18, §17-16F-19, §17-16F-20, §17-16F-21, §17-16F-22, §17-16F-23, §17-16F-24, §17-16F-25, §17-16F-26, §17-16F-27, §17-16F-28, §17-16F-29, §17-16F-30, §17-16F-31, §17-16F-32, §17-16F-33, and §17-16F-34, all relating to creating the Division of Multimodal Transportation and combining the powers and duties and eliminating certain references to the Public Port Authority, the West Virginia State Rail Authority, and the state Aeronautics Commission; providing for legislative findings and creation of the division; transferring employees, equipment, assets, liabilities, contracts, agreements, functions, and duties to the division or its sections; providing for all property currently held by the Public Port Authority, the West Virginia State Rail Authority, and the state Aeronautics Commission to be transferred to the division; authorizing the Secretary of the Department of Transportation to appoint the commissioner; establishing general powers and duties of the commissioner; defining terms; establishing the powers and duties of the division generally; requiring the division to promote, supervise and support safe, adequate and efficient transportation, preserve rail, water and airway facilities and promote economic development and tourism; authorizing division to work cooperatively with similar entities within and without the state; providing for siting, development and operation of facilities; authorizing employment of trained and qualified staff and consultants and compensating therefor; providing the right to enter into contracts and agreements; authorizing acquisition of various types and interests in property to be held in the name of the state; authorizing use of eminent domain; authorizing acquisition and disposal of property by various means; authorizing interagency cooperation; authorizing division to act on behalf of the state in planning, financing, development, construction and operation of port, railroad and aeronautic projects or facilities; reporting annually to Legislature on status of projects, operations, finances, and related information; authorizing study and assessment of state transportation needs; authorizing use of various financing options including issuing revenue bonds and receipt of grants and loans; authorizing division to make grants and loans to governmental agencies and persons for multimodal transportation projects; permitting collection of reasonable fees and charges connected to making and servicing loans, notes, bonds, and other obligations; granting rule-making authority to the division; continuing all rules, policies, and orders of the combined entities until revised and reissued by the division; requiring strategic plan and reports to the Governor and the Legislature; requiring collection and analysis of shipping through state ports; providing for confidentiality of collected information and providing criminal penalty for violation; providing that division employees may not have direct or indirect financial interest in contracts, sale of property of the division, and providing criminal penalty for violation; providing that activities of division are for public purpose; authorizing the division to use certain property or facilities of a public utility, common carrier, public road or railroad for certain public projects; requiring the division to relocate any such property or facilities; providing for rules regarding relocation or removal of railroad or public utility located on division property; requiring the division to pay for said relocation or removal; encouraging participation of private enterprise in construction and operation of facilities; authorizing lease back to division; authorizing development of foreign trade zones, free trade zones, ports of entry, and customs zones; providing for specific duties related to port projects; authorizing the division to act on behalf of the state in developing, operating, improving, and maintaining ports; authorizing the division to coordinate and cooperate with other port entities; creating the West Virginia Multimodal Operations Fund and transference of funds and liabilities of the West Virginia Public Port Authority Operations Fund; providing for specific duties related to rail projects; authorizing the exercise of powers necessary to qualify for federal subsidies;

authorizing various means to carry out rail projects that are consistent with state plan with other entities; providing authority for the division to establish, fund, construct, reconstruct, acquire, repair, replace, operate, maintain, and make available to other entities railroad projects; providing that research and development of railroads may be conducted; providing that contracts may be entered into to acquire various rolling stock, equipment or trackage, and providing the requirements therefor; providing for the authority to enter into agreements that are beneficial to railroad projects notwithstanding other code provisions, including the authority to reject bids; authorizing division to purchase various types of insurance; authorizing the collection of fees for use of rail projects; providing for the administration and coordination of a state plan, including the distribution of federal subsidies; providing for investigation, research, promotion, and development with public participation; authorizing the provision of fiscal assurances and adoption of accounting procedures necessary to continue subsidies; authorizing compliance with applicable federal regulations; authorizing all actions necessary to maximize federal assistance for rail subsidies; providing powers necessary to coordinate with the Maryland Transit Administration for continued operation in the state, including negotiation and contracting authority; providing that any commuter rail operation agreement will meet certain service standards; providing that any track access fees to be paid pursuant to the agreement shall be paid from the West Virginia Commuter Rail Access Fund; authorizing sale or transfer of interest in rail property with federal approval when required; authorizing assistance to entities seeking federal railroad service certification, including the provision of any necessary assurances or guarantees; authorizing division to retain attorney or others to title ownership of rail properties within the state; requiring rail properties offered for sale within the state to be offered first to the state; providing that division may acquire railroad rights in other states and may cooperate with other states in so purchasing any rail properties; providing for the division to give consideration to county or municipality interest in acquiring abandoned property interest and providing for the division to acquire any such abandoned property for subsequent conveyance to a county or municipality; authorizing the division to apply for and utilize federal funds or loans in carrying out its purposes of this article; authorizing the purchase of any railroad rolling stock, equipment and machinery necessary for the operation and maintenance of state rail properties and authorizing contracts with the Division of Highways for maintenance or purchase of vehicles; authorizing maintenance, rebuilding or relocation of state rail properties and authorizing expenditures for the modernization, rebuilding and relocation of any rail properties owned by the state or private carrier; providing for contracting with domestic or foreign entities to provide, maintain or improve rail transportation service on state rail properties; providing for transfer of rail properties to other entities within the state when permitted by the Governor; authorizing the division to resolve conflicts when multiple entities want to utilize the same rail property; providing for proceeds from the sale of state rail property to be deposited in Railroad Maintenance Fund; terminating Railroad Maintenance Authority Fund and creating a Railroad Maintenance Fund for proceeds and expenditures related to division's purpose; authorizing expenditure from any fund for study of proposed rail projects and use of funds from Railroad Maintenance Fund for study and engineering costs; authorizing the issuance of railroad maintenance revenue bonds and notes for costs of rail projects, including issuance of renewal notes and bond refund, with aggregate amount of all issues of bonds and notes outstanding at one time not exceeding amount capable of being serviced by revenues received; providing that issues of bonds or notes are negotiable instruments and are obligations of the division and are payable out of the revenues which are pledged for such payment; providing for maturity date, terms of execution, sale, redemption and delivery; authorizing the establishment of various conditions necessary to secure sufficient funds to protect bonds or notes; providing that person executing bonds or notes is not personally liable therefor; providing for trust agreement to secure bonds issued by division and creating conditions therefor, not including mortgage of any rail project; allocating expenses of bond issuance or trust agreement to rail projects; providing for civil action for bondholders seeking to enforce rights granted; providing that bonds are payable

from division revenues and are not a debt of state or political subdivision; restricting division from incurring debt on behalf of state or political subdivision; authorizing use of proceeds from bonds to carry out division's powers and prohibiting commingling with other funds; providing for the investment of excess funds by West Virginia State Board of Investments; authorizing division to collect rents or revenues for use of rail projects; providing for cooperation with other governmental agencies to effect acquisition of rail project or bond issuance; authorizing division to maintain rail projects in good repair; providing that railroad maintenance bonds are lawful investments for various entities; continuing West Virginia Commuter Rail Access Fund which is administered by division commissioner; requiring division to establish a state rail plan that complies with federal requirements for funding; providing specific powers and duties for director of public transit; designation of public transit as the agency of the state responsible for administering all federal and state programs related to public transportation; providing for assistance and cooperation of other state agencies with all multimodal sections; providing for specific duties related to aeronautics projects; authorizing division to advance development of aeronautics in cooperation with municipalities; authorizing rules necessary for public safety related to airports and aeronautics; authorizing division to fund grants for public airport authorities; authorizing division to receive federal funding to support airports or air navigation facilities; providing for procedures and conditions for use of federal funds; requiring a federal license to operate an aircraft; allowing for the use of state and municipal facilities and services; disposing of fees collected under this code section, and providing a severability clause.

Referred to the Committee on Government Organization.

**By Senator Nelson:**

**Senate Bill 540**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-15-28, all relating to municipal fire departments; providing for municipal fire departments to provide service weapons to municipal fire marshal upon retirement in certain circumstances; and allowing the sale of retired service weapons to active and retired fire marshals.

Referred to the Committee on the Judiciary.

**By Senator Azinger:**

**Senate Bill 541**—A Bill to amend and reenact §18-8-1 of the Code of West Virginia, 1931, as amended, relating to requiring the results of a homeschooled child's academic assessment be submitted by June 30 of the first year in which the child was homeschooled rather than at grades three, five, eight, and 11; and providing that when the results indicate that the child is making adequate academic progress, no further assessment results must be submitted.

Referred to the Committee on Education.

**By Senators Maynard, Swope, and Sypolt:**

**Senate Bill 542**—A Bill to amend and reenact §31G-1-3 of the Code of West Virginia, 1931, as amended, relating to transferring the Broadband Enhancement Council from the Department of Commerce to the Department of Economic Development; removing the Secretary of Commerce from the Broadband Enhancement Council; designating the Secretary of the Department of Economic Development as a voting member; and removing archaic language.

Referred to the Committee on Government Organization.

**By Senators Roberts and Tarr:**

**Senate Bill 543**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding

thereto a new section, designated §21A-10-23; relating to authorizing the Commissioner of Workforce West Virginia to create an unemployment compensation insurance fraud unit; establishing training requirements; specifying duties; and granting certain authorities necessary to conduct investigations into alleged unemployment insurance fraud.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 544**—A Bill to amend and reenact §12-1-12 of the Code of West Virginia, 1931, as amended, to allow interest and earnings on federal COVID-19 relief moneys to be retained in the funds or accounts where those moneys are invested; and making said amendments retroactive in application.

Referred to the Committee on Finance.

**By Senator Romano:**

**Senate Bill 545**—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-9-1, §12-9-2, and §12-9-3, all relating to creating the Corporate Anti-Subsidy Act; permitting West Virginia to enter into the Interstate Compact Agreement Prohibiting Company-Specific Subsidies; and setting a level playing field that would abolish the nationwide practice of company-specific subsidies that currently pits states against one another.

Referred to the Committee on Economic Development; and then to the Committee on Finance.

**By Senator Tarr:**

**Senate Bill 546**—A Bill to amend and reenact §18B-10-1c of the code of West Virginia, 1932, as amended; and to amend and reenact §18B-10-8 of said code, all relating to using fees and other money collected from students at institutions of higher education; defining terms; clarifying allowable expenses for the use of tuition and required general fees; providing for fees charged to be used for information technology purposes; allowing for a specified percentage of gross tuition revenue funds to be spent on information technology projects; and establishing what costs are allowable for information technology projects.

Referred to the Committee on Finance.

**By Senator Nelson:**

**Senate Bill 547**—A Bill to amend and reenact §3-8-1a of the Code of West Virginia, 1931, as amended, relating to regulation and control of elections; and updating the definition of “electioneering communication” to be consistent with the Federal Election Commission.

Referred to the Committee on the Judiciary.

**By Senators Roberts and Tarr:**

**Senate Bill 548**—A Bill to amend and reenact §21A-10-11 of the Code of West Virginia, 1931, as amended, relating to authorizing WorkForce West Virginia to obtain information regarding employment classifications and work locations from employers.

Referred to the Committee on the Workforce.

**By Senator Nelson:**

**Senate Bill 549**—A Bill to amend and reenact §5-10-2, §5-10-27b, and §5-10-44 of the Code of West Virginia, 1931, as amended; to amend and reenact §7-14D-2, §7-14D-7a, and §7-14D-9b; to amend and reenact §8-22A-2, §8-22A-8a, and §8-22A-11; to amend and reenact §15-2-25b, §15-2-45, and §15-2-54; to amend and reenact §15-2A-2, §15-2A-6b, and §15-2A-23; to amend and reenact §16-5V-2, §16-5V-8a, and §16-5V-13; to amend and reenact §18-7A-3, §18-7A-14c, and §18-7A-28b; to amend and reenact §18-7B-2, §18-7B-12a, and §18-7B-21; to amend and reenact §20-18-2, §20-18-9, and §20-18-14; and to amend and reenact §51-9-1a, §51-9-12b, and §51-9-18, all relating to updating provisions of the retirement and pension benefits of the West Virginia Public Employees Retirement System, the Deputy Sheriffs' Retirement System, the Municipal Police and Firefighters Retirement System, the State Police Death, Disability and Retirement Fund, the West Virginia State Police Retirement Fund, the Emergency Medical Services Retirement System, the Teachers Retirement System, the Teachers' Defined Contribution Retirement System, the Natural Resources Police Officers Retirement System, and the Judges' Retirement Fund in order to comply with federal law; changing age threshold for plan members born after June 30, 1949; clarifying provisions regarding correction of errors; and amending definitions for each retirement system named here.

Referred to the Committee on Pensions; and then to the Committee on Finance.

**By Senator Tarr:**

**Senate Bill 550**—A Bill to amend and reenact §18B-1-1F of the Code of West Virginia, 1931, as amended; to amend and reenact §18B-1B-4 of said code; and to amend and reenact §18B-2B-6 of said code, all relating to funding for institutions of higher education; clarifying the powers and duties of the Higher Education Policy Commission; establishing additional criteria for a state college or university to be considered administratively and programmatically exempt; directing the Higher Education Policy Commission to develop and implement a funding formula model; providing that the funding formula shall govern the appropriation requests to the Legislature regarding distribution of general revenue to the state's institutions of higher education; providing for rulemaking; setting forth factors to be included in the rule; setting out factors which may not be included in the rule; clarifying the powers and duties of the West Virginia Council for Community and Technical College Education; allowing for an exemption from oversight by the council in certain circumstances, requiring an independent audit; and providing for the audit annually.

Referred to the Committee on Finance.

**By Senator Beach:**

**Senate Bill 551**—A Bill to repeal §16-2I-1, §16-2I-2, §16-2I-3, §16-2I-4, §16-2I-5, §16-2I-6, §16-2I-7, §16-2I-8, and §16-2I-9 of the Code of West Virginia, 1931, as amended; to repeal §16-2M-1, §16-2M-2, §16-2M-3, §16-2M-4, §16-2M-5, §16-2M-6, and §16-2M-7 of said code; to repeal §16-2O-1 of said code; to repeal §16-2P-1 of said code; to repeal §61-2-8 of said code; and to amend and reenact §30-14-12d of said code, all relating to preserving a woman's right to choose an abortion.

Referred to the Committee on Health and Human Resources.

**By Senators Blair (Mr. President) and Baldwin (By Request of the Executive):**

**Senate Bill 552**—A Bill to repeal §11A-3-5, §11A-3-5a, §11A-3-5b, §11A-3-6, §11A-3-7, §11A-3-14, §11A-3-15, §11A-3-16, §11A-3-17, §11A-3-18, §11A-3-19, §11A-3-20, §11A-3-21, §11A-3-22, §11A-3-23, §11A-3-24, §11A-3-25, §11A-3-26, §11A-3-27, §11A-3-28, §11A-3-29,

§11A-3-30, and §11A-3-31 of the Code of West Virginia, 1931, as amended; to amend and reenact §11A-1-3, §11A-1-8, §11A-2-14, §11A-2-18, §11A-3-1, §11A-3-2, §11A-3-4, §11A-3-8, §11A-3-9, §11A-3-10, §11A-3-11, §11A-3-12, §11A-3-13, §11A-3-32, §11A-3-38, §11A-3-42, §11A-3-44, §11A-3-45, §11A-3-46, §11A-3-50, §11A-3-52, §11A-3-54, §11A-3-56, §11A-4-3, §11A-4-4, §16-18-3, §31-18E-9, and §31-21-11; and to amend said code by adding thereto a new section, designated §31-18-20e, all relating to the tax sale process; reducing the rate of interest on delinquent property taxes; modifying the method by which notice is provided regarding the payment of property taxes; requiring a sheriff to accept credit cards as a form of payment for property taxes; allowing a sheriff to offer discounts on tax liability to taxpayers that pay with a credit card; modifying the deadline by which a sheriff must present delinquent lists to its county commission; modifying the deadline that a county commission certifies a delinquent list to the auditor; providing that a sheriff must provide a redemption receipt if property is redeemed prior to certification to the auditor; modifying the policy related to the sale of tax liens; modifying the process by which a sheriff provides its second notice of delinquent real estate; modifying the timing and payment of redemption for delinquent properties prior to certification to the auditor; providing that any property not redeemed to the sheriff is to be certified to the auditor; providing that the sheriff must prepare a list of all the tax liens on delinquent real estate redeemed prior to certification or certified to the auditor; providing that the sheriff must account for the proceeds from redemptions prior to certification; providing that a sheriff may modify its redemption and certification list within 30 days after the publication of such list; providing for the publication of such list; requiring sheriffs to keep separate accounts for redemptions moneys; reducing the interest rate on delinquent taxes on property certified to the auditor; identifying lands subject to sale by the deputy commissioner; relating to the obligation that the auditor certify and deliver a list of lands subject to sale by the deputy commissioner; addressing annual auctions held by the deputy commissioner and the publication of notice of public auctions held by the deputy commissioner; relating the requirements that a purchaser must satisfy before he or she can secure a deed; relating to the notice to redeem provided to a person entitled to redeem delinquent property; providing for certain delinquent taxpayers to redeem in incremental payments; addressing the right to set aside a tax deed improperly obtained or a tax deed obtained without sufficient notice; modifying certain definitions; creating a new special fund; relating to the right of certain entities to purchase delinquent properties; and modifying certain obligations of the West Virginia Land Stewardship Corporation land bank program.

Referred to the Committee on Finance.

**By Senators Sypolt, Azinger, Clements, Grady, Hamilton, Karnes, Martin, Maynard, Phillips, Roberts, Smith, Stover, Swope, Takubo, Tarr, Trump, Weld, and Woodrum:**

**Senate Bill 553**—A Bill to amend and reenact §16-29B-8, §16-29B-24, and §16-29B-25 of the Code of West Virginia, 1931, as amended, all relating to the powers of the West Virginia Health Care Authority; removing authority to adopt, amend, and repeal policy guidelines; making technical changes; requiring legislative rulemaking regarding the Uniform Bill; permitting fees for custom data request; and requiring the Secretary of the Department of Health and Human Resources to give notice and file legislative rules when assuming the West Virginia Health Care Authority's data repository powers and duties.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

Senators Smith and Sypolt offered the following resolution:

**Senate Concurrent Resolution 27**—Requesting the Division of Highways name bridge

number 39-026/00-019.09 (39A051), (39.49472, -79.64520), locally known as Albright Bridge, carrying WV 26 over Cheat River in Preston County, as the “U.S. Army TSGT Harold William Schmidle Memorial Bridge”.

Whereas, Harold William Schmidle was born in the year 1921, as the son of Joseph and Jennie Schmidle in Albright, West Virginia; and

Whereas, TSGT Harold William Schmidle enlisted in the Infantry as a young man to serve his country during World War II; and

Whereas, Sadly, TSGT Harold William Schmidle was killed in action during the Battle of Banzai Point on the Island of Corregidor in the Philippines on February 19, 1945, where he served as a rifle squad leader (S/SGT) in the 2nd platoon, Company “D”, 503rd P.I.R.; and

Whereas, It is fitting that an enduring memorial be established to commemorate TSGT Harold William Schmidle and his sacrifice for our state and country will never be forgotten; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways is hereby requested to name a bridge bearing the number 39-26-19.09, carrying Route 26 North in Albright, as the “U. S. Army TSGT Harold William Schmidle Memorial Bridge”; and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U.S. Army TSGT Harold William Schmidle Memorial Bridge”; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senators Woodrum, Boley, Karnes, Maynard, Phillips, Sypolt, Takubo, Tarr, and Weld offered the following resolution:

**Senate Concurrent Resolution 28**—Requesting the Division of Highways name an interstate bridge bearing the bridge numbers 13-064/00-159.39 (EB and WB) (13A1442, 13A145), (37.88992, -80.57907), locally known as Williamsburg Road Bridge, carrying IS 64 (NB and SB) over County Route 9 in Greenbrier County, as the “U.S. Army PVT Garland Lee Loudermilk Memorial Bridge”.

Whereas, Garland Lee Loudermilk was born on July 16, 1923, in Clintonville, West Virginia to Johnny and Bertha Loudermilk; and

Whereas, At the age of 22, PVT Garland Lee Loudermilk was a member of the United States Army’s 89th Calvary Recon Squadron, 9th Armored Division at the Rhine River in Germany during World War II; and

Whereas, PVT Garland Lee Loudermilk was married to Letha M. Loudermilk; and



Whereas, Sadly, PVT Garland Lee Loudermilk was killed in action on March 8, 1945, during the Battle of the Bulge, fighting to protect the country he loved; and

Whereas, PVT Garland Lee Loudermilk is buried at the Henri-Chapelle American Cemetery in Henri Chapelle, Belgium, at Plot E, Row 10, Grave 23; and

Whereas, PVT Garland Lee Loudermilk was awarded a Purple Heart, European-African-Middle Eastern Campaign Medal, World War II Victory Medal, and the Honorable Service Lapel Button for his sacrifice and actions during his deployment in World War II; and

Whereas, After the death of PVT Garland Lee Loudermilk, the Loudermilk brothers, Gray, Hubert, Robert, and Earl visited an Alvon Whitfield in Luka, Mississippi to learn stories about what their brother PVT Garland Lee Loudermilk had done during the war, and what happened on the day of his death; and

Whereas, PVT Garland Lee Loudermilk's wallet was returned to the family by Alvon Whitfield, a gesture that the family sincerely appreciated, a gesture that helped bring closure to the Loudermilk family; and

Whereas, It is fitting that an enduring memorial be established to commemorate PVT Garland Lee Loudermilk and his sacrifice to our state and county; therefore, be it

*Resolved by the Legislature of West Virginia:*

That the Division of Highways name an interstate bridge bearing the bridge number 13-064/00-159.39 (EB and WB) (13A1442, 13A145), (37.88992, -80.57907), locally known as Williamsburg Road Bridge, carrying IS 64 (NB and SB) over County Route 9 in Greenbrier County, as the "U.S. Army PVT Garland Lee Loudermilk Memorial Bridge" and, be it

*Further Resolved*, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the "U.S. Army PVT Garland Lee Loudermilk Memorial Bridge"; and, be it

*Further Resolved*, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways, as well as to the Loudermilk family.

Which, under the rules, lies over one day.

Senator Roberts offered the following resolution:

**Senate Resolution 16**—Designating February 2, 2022, as Jan Lilly-Stewart Disability Advocacy Day.

Whereas, There are over 400,000 West Virginians with disabilities; these individuals, like all others, have the right to live, work, and fully participate in their communities in order to realize their dreams; and

Whereas, People with disabilities have the right to an equal opportunity to live full productive lives as valued citizens in the community or setting of their choice; and

Whereas, People with disabilities have the right to receive the support and resources needed to exercise self-determination, achieve independence, and become productive employees in the workplace; and

Whereas, West Virginia citizens with disabilities have banded together in a collective group known as, the Fair Shake Network, to help bring their concerns to the forefront of public awareness; and

Whereas, The Fair Shake Network has developed a statewide network concerned with all types of disabilities and all age groups, providing opportunities for people to learn from each other and act together; and

Whereas, The Fair Shake Network has become a credible source of information for policymakers, advocates, and the public on policies and programs that impact people with disabilities; and

Whereas, Organizations such as the West Virginia Department of Rehabilitation Services, the West Virginia Development Council, the West Virginia Parent Training and Information, Job Squad, Disability Rights of West Virginia, Mountain State Centers for Independent Living, Northern West Virginia Center for Independent Living, Appalachian Center for Independent Living, Statewide Rehabilitation Council, West Virginia Association of the Deaf, Open Doors, Inc., National Association of Social Workers, West Virginia Chapter, West Virginia University Center for Excellence in Disabilities, Central WV Action Network, West Virginia Autism Training Center, West Virginia Olmstead Office, Mountain State Parents CAN, Aging and Disability Resource Network, Whole Families, People First of West Virginia, The Arc of the Mid-Ohio Valley, and the Arc of West Virginia have joined together to help increase public awareness of issues and concerns involving West Virginians with disabilities through the Fair Shake Network; and

Whereas, The purpose of Disability Advocacy Day is to increase the awareness and understanding of legislators, administrators, policymakers, and the public of the public policy issues that are important to people with disabilities; therefore, be it

*Resolved by the Senate:*

That the Senate hereby designates February 2, 2022, as Jan-Lilly Stewart Disability Advocacy Day; and, be it

*Further Resolved,* That the Clerk is hereby directed to forward a copy of this resolution to the appropriate representatives of the Fair Shake Network.

Which, under the rules, lies over one day.

The Senate proceeded to the seventh order of business.

**Senate Concurrent Resolution 26**, US Army TEC5 William "Bill" Thurman King Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

The Senate then proceeded to the eighth order of business.

**Eng. Com. Sub. for Senate Bill 5**, Creating WV Unmanned Aircraft Systems Advisory Council.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker (by proxy), Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 5) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 439**, Adopting Revised Uniform Athlete Agents Act of 2015.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker (by proxy), Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—33.

The nays were: Karnes—1.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 439) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 440**, Establishing Uniform Commercial Real Estate Receivership Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker (by proxy), Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 440) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 450**, Updating definitions of WV Personal Income Tax Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker (by proxy), Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 450) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker (by proxy), Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 450) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Senate Bill 451**, Updating definitions of WV Corporation Net Income Tax Act.

On third reading, coming up in regular order, was read a third time and put upon its passage.

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker (by proxy), Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. S. B. 451) passed with its title.

Senator Takubo moved that the bill take effect from passage.

On this question, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker (by proxy), Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, two thirds of all the members elected to the Senate having voted in the affirmative, the President declared the bill (Eng. S. B. 451) takes effect from passage.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 452**, Permitting civil remedies for unauthorized disclosure of intimate images.

On third reading, coming up in regular order, was read a third time and put upon its passage.

Pending discussion,

The question being “Shall Engrossed Committee Substitute for Senate Bill 452 pass?”

On the passage of the bill, the yeas were: Azinger, Baldwin, Beach, Boley, Brown, Caputo, Clements, Geffert, Grady, Hamilton, Jeffries, Karnes, Lindsay, Maroney, Martin, Maynard, Nelson, Phillips, Plymale, Roberts, Romano, Rucker (by proxy), Smith, Stollings, Stover, Swope, Sypolt, Takubo, Tarr, Trump, Weld, Woelfel, Woodrum, and Blair (Mr. President)—34.

The nays were: None.

Absent: None.

So, a majority of all the members present and voting having voted in the affirmative, the President declared the bill (Eng. Com. Sub. for S. B. 452) passed with its title.

*Ordered*, That the Clerk communicate to the House of Delegates the action of the Senate and request concurrence therein.

**Eng. Com. Sub. for Senate Bill 453**, Establishing uniform requirements for restrictive employment agreements.

On third reading, coming up in regular order, with the right having been granted on yesterday, Monday, January 31, 2022, for amendments to be received on third reading, was reported by the Clerk.

At the request of Senator Takubo, unanimous consent being granted, the bill was referred to

the Committee on Rules, with the right to amend on third reading remaining in effect.

At the request of Senator Takubo, and by unanimous consent, the Senate returned to the second order of business and the introduction of guests.

The Senate then proceeded to the ninth order of business.

**Com. Sub. for Senate Bill 138**, Relating to Board of Medicine composition.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Maroney, the following amendment to the bill was reported by the Clerk and adopted:

On page one, section five, line twelve, by striking out "15" and inserting in lieu thereof "14".

The bill (Com. Sub. for S. B. 138), as amended, was then ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 227**, Requiring county boards of education and county superintendents to comply with instructions of State Board of Education.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

**Com. Sub. for Senate Bill 267**, Relating to transportation of students in county board owned and insured vehicles.

On second reading, coming up in regular order, was read a second time.

On motion of Senator Weld, the following amendments to the bill were reported by the Clerk and considered simultaneously:

On page three, section thirteen, line fifty-eight, by striking out "16" and inserting in lieu thereof "10";

On page four, section thirteen, line sixty-five, by striking out "16" and inserting in lieu thereof "10";

On page four, section thirteen, line sixty-six, after the word "parent", by inserting the words "or guardian";

On page four, section thirteen, line sixty-seven, after the word "vehicle" by striking out the remainder of the subdivision;

And,

On page four, section thirteen, line sixty-nine, by striking out the words "including the driver".

Following discussion,

The question being on the adoption of Senator Weld's amendments to the bill, the same was

put and prevailed.

The bill (Com. Sub. for S. B. 267), as amended, was then ordered to engrossment and third reading.

**Senate Bill 492**, Relating to electronic collection of tolls.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the tenth order of business.

**Eng. Com. Sub. for House Bill 4067**, To make certain agency reports electronic or eliminating certain agency reports altogether.

On first reading, coming up in regular order, was read a first time and ordered to second reading.

The Senate then proceeded to the twelfth order of business.

Remarks were made by Senator Baldwin.

Thereafter, at the request of Senator Lindsay, and by unanimous consent, the remarks by Senator Baldwin were ordered printed in the Appendix to the Journal.

The Senate next proceeded to the thirteenth order of business.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were removed as co-sponsors of the following bills on January 31, 2022:

**Senate Bill 132:** Senator Azinger;

**Senate Bill 485:** Senator Stover;

And,

**Senate Bill 488:** Senator Smith.

Under the provisions of Rule 15 of the Rules of the Senate, the following senators were added as co-sponsors to the following bills and resolutions on January 31, 2022:

**Senate Bill 47:** Senator Azinger;

**Senate Bill 70:** Senator Beach;

**Senate Bill 83:** Senator Beach;

**Senate Bill 106:** Senator Beach;

**Senate Bill 416:** Senators Sypolt and Phillips;

**Senate Bill 432:** Senators Phillips and Hamilton;

**Senate Bill 458:** Senator Jeffries;

**Senate Bill 463:** Senator Woodrum;

**Senate Bill 465:** Senator Jeffries;

**Senate Bill 477:** Senator Jeffries;

**Senate Bill 481:** Senator Jeffries;

**Senate Bill 489:** Senator Beach;

**Senate Bill 490:** Senators Woelfel and Beach;

**Senate Bill 494:** Senator Beach;

**Senate Bill 502:** Senator Woelfel;

**Senate Bill 508:** Senators Lindsay and Beach;

**Senate Bill 510:** Senators Stollings, Baldwin, and Lindsay;

**Senate Bill 512:** Senator Lindsay;

**Senate Bill 513:** Senators Lindsay, Baldwin, Romano, and Smith;

**Senate Joint Resolution 1:** Senator Woelfel;

**Senate Joint Resolution 5:** Senator Smith;

And,

**Senate Concurrent Resolution 26:** Senator Jeffries.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Takubo, at 11:47 a.m., the Senate adjourned until tomorrow, Wednesday, February 2, 2022, at 11 a.m.

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**SENATE CALENDAR**

**Wednesday, February 02, 2022  
11:00 AM**

**UNFINISHED BUSINESS**

- S. C. R. 27 - US Army TSGT Harold William Schmidle Memorial Bridge
- S. C. R. 28 - US Army PVT Garland Lee Loudermilk Memorial Bridge
- S. R. 16 - Designating February 2, 2022, Jan Lilly-Stewart Disability Advocacy Day

**THIRD READING**

- Eng. Com. Sub. for S. B. 138 - Relating to Board of Medicine composition
- Eng. Com. Sub. for S. B. 227 - Requiring county boards of education and county superintendents to comply with instructions of State Board of Education
- Eng. Com. Sub. for S. B. 267 - Relating to transportation of students in county board owned and insured vehicles
- Eng. S. B. 492 - Relating to electronic collection of tolls

**SECOND READING**

- Eng. Com. Sub. for H. B. 4067 - To make certain agency reports electronic or eliminating certain agency reports altogether - (Com. amend. and title amend. pending)

**FIRST READING**

- Com. Sub. for S. B. 7 - Relating to damages for medical monitoring
- Com. Sub. for S. B. 481 - Relating to Adopt-A-Stream Program

**ANNOUNCED SENATE COMMITTEE MEETINGS**

**Regular Session 2022**

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**Wednesday, February 2, 2022**

10 a.m.

Workforce

(Room 208W)



